

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:04-00107

RANDOLPH WILSON

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On March 2, 2010, the United States of America appeared by Blaire L. Malkin, Assistant United States Attorney, and the defendant, Randolph Wilson, appeared in person and by his counsel, Lex A. Coleman, Assistant Federal Public Defender, for a hearing on the petition on supervised release and amendment thereto submitted by United States Probation Officer Patrick M. Fidler, the defendant having commenced a thirty-five month term of supervised release in this action on December 18, 2008, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on December 18, 2008.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) that the defendant used morphine as evidenced by a positive urine specimen submitted by him on October 19, 2009, and used cocaine, morphine and hydromorphone as evidenced by a positive urine specimen submitted by him on February 4, 2010; (2) that the defendant failed to submit a monthly report from August 2009 through January 2010, the probation officer having had no contact with the defendant of any kind since that date; (3) that the defendant failed to attend drug counseling sessions two times per month as directed inasmuch as he did not attend after November 7, 2009; (4) that the defendant failed to appear for drug testing as directed on December 8 and 15, 2009; (5) that the defendant possessed dangerous weapons consisting of two large knives, each with blades longer than six inches, the knives having been located during a search of his residence on February 3, 2010; and (6) that the defendant possessed drug paraphernalia consisting of syringes, found on his person and his vehicle during the February 3, 2010, arrest, and additional syringes, burnt spoons and crack pipes located during the search

of his residence on February 3, 2010; all as admitted by the defendant on the record of the hearing and as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, on the basis of the original offense, the intervening conduct of the defendant and after considering the factors set forth in 18 U.S.C. § 3553(a), that the defendant is in need of correctional treatment which can most effectively be provided if he is confined, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of SIX (6) MONTHS, to be followed by a term of twenty-nine (29) months of supervised release upon the standard conditions of supervised release now in effect in this district by order

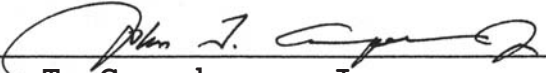
entered June 22, 2007, and the further condition that the defendant not commit another federal, state or local crime and the special condition that he spend six months in a community confinement center, preferably Transitions, Inc., where he shall make himself available for drug counseling and treatment at the Pyramid program and engage in it to the extent as recommended in consultation with the probation officer.

The defendant was remanded to the custody of the United States Marshal.

Recommendation: The court recommends that the defendant be designated to FCI Ashland.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: March 4, 2010


John T. Copenhaver, Jr.
United States District Judge